

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

THE CONSTITUTIONAL GUIDED :
WALKING TOURS, LLC; JONATHAN :
H. BARI; and, LESLIE S. BARI :
Plaintiffs, :

v. : CIVIL ACTION
: NO. 09-3083
INDEPENDENCE VISITOR CENTER :
CORPORATION; WILLIAM W. MOORE; :
NATIONAL PARK SERVICE; DENNIS :
REIDENBACH; CYNTHIA MACLEOD; :
and, DARLA SIDLES :
Defendants. :

ORDER

AND NOW, this 31st day of March, 2011, upon consideration of: Federal Defendants National Park Service, Dennis Reidenbach, Cynthia MacLeod and Darla Sidles's Motion to Dismiss Plaintiffs' Amended Complaint (Doc. No. 15), Plaintiffs' Response thereto (Doc. No. 17); Federal Defendants' Reply (Doc. No. 21); and Plaintiffs' Surreply (Doc. No. 23), it is hereby ORDERED and DECREED that said Motion is GRANTED IN PART and DENIED IN PART as follows:

- (1) Federal Defendants' Motion to Dismiss Plaintiffs' Amended Complaint on the basis of lack of personal jurisdiction is DENIED;
- (2) Federal Defendants' Motion to Dismiss Count I of Plaintiffs' Amended Complaint is GRANTED;
- (3) Individual Federal Defendants' Motion to Dismiss Count II of Plaintiffs' Amended Complaint is GRANTED;
- (4) Federal Defendants' Motion to Dismiss Count VIII of Plaintiffs' Amended Complaint is rendered MOOT by Plaintiffs' withdrawal of their request for

preliminary injunctive relief (Doc. No. 30); and

(5) This Court declines to exercise supplemental jurisdiction over Plaintiffs' remaining claims against Defendant Independence Visitor Center Corporation ("IVCC") for Breach of Contract (Count III), Breach of Implied Agreement to Negotiate in Good Faith (Count IV) and Unjust Enrichment (Count VI), or the remaining claims against both IVCC and William Moore for Tortious Interference with Existing and Prospective Contractual Relations (Count VI) and Commercial Disparagement (Count VII). Said claims are DISMISSED WITHOUT PREJUDICE to bring them in the Philadelphia Court of Common Pleas.

BY THE COURT:

/s/ C. Darnell Jones, II
C. Darnell Jones, II J.